

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24921 OF 2005

Dt.23.11.2005

Between:

D.N.Pochaiah ... Petitioner

And

The Special Deputy Collector &

Revenue Divisional Officer,

Chevella Division, R.R.District. ... Respondent

ORDER:

The petitioner questions the order of the respondent dated 20.9.2005 in suspending his Fair Price Shop dealership without issuing any notice and without following the principles of natural justice.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

Any suspension of the authorization of Fair Price Shop as a measure of punishment cannot be made without giving any notice and without giving reasonable opportunity to the dealer. In the instant case, based on the report of the Mandal Revenue Officer, Malkajgiri, the respondent came to the final conclusion that the dealer misused and diverted 1 Quintal of levy sugar meant for P.D.S and in view of the same the authorization of the petitioner has been suspended.

Having regard to the facts and circumstances of the case, the impugned order passed as a measure of punishment, which is final in its nature, is illegal and without any notice. Accordingly, the impugned order dated 20.9.2005 is set aside.

The writ petition is allowed accordingly. No costs.

(V.ESWARAIAH, J.)

23.11.2005

Note: Issue copy within two days

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